

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.23009 of 1996

Dated: 03-08-2007

Between:

Aub Khan, s/o Mohaboob Sha.

... Petitioner

and

1. The District Collector, Hyderabad and 2 others.

... Respondents

ORDER:

Petitioner states that he is in possession and enjoyment of the house bearing Plot No.75 Ground Floor, Sabarmathinagar, Gandhi Nagar, Hyderabad and on the basis of the said possession the Government also issued patta certificate in favour of him on 10-02-1983 to an extent of 33 square yards. Thereafter he constructed a house with the financial assistance provided by the Government and is thus residing therein. As there was threat from the adjacent canal, he and others, who are residing in the said colony, have constructed bund and in that context an extent of 3 feet belonging to the Government was encroached into. On coming to know the said fact, second respondent – Mandal Revenue Officer along with the staff visited his house and tried to demolish the said bund. Hence, he filed

the present writ petition.

2. This Court while issuing *Rule nisi* on 30-10-1996 granted interim stay of all further proceedings including dispossession of the petitioner from the property in question in W.P.M.P.No.28383 of 1996.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Evidently, the alleged threat or action of respondents to demolish the said bund is without notice. Hence, this Court is of the view that the writ petition can as well be disposed of with a direction to respondents to issue notice to petitioner before initiating any action in respect of the property in question.

5. With the above direction, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.03-08-2007

GLV